

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:19-CR-212 JCM (VCF)

Plaintiff(s),

ORDER

v.

STEVEN SILULU,

Defendant(s).

Presently before the court is the matter of *USA v. Silulu*, case no. 2:19-cr-00212-JCM-VCF. Steven Silulu (“petitioner”) filed a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (ECF No. 52), and a motion to appoint counsel to pursue relief under 28 U.S.C. § 2255 (ECF No. 53).

Petitioner’s motion to vacate alleges relief due to ineffective assistance of counsel by his counsel of record, Lance Hendron (“Hendron”). (*See* ECF No. 52). Petitioner’s motion to appoint counsel requests independent counsel to pursue relief under 28 U.S.C. § 2255 because Hendron’s assistance is the subject of his motion to vacate. (*See* ECF No. 53).

Pursuant to Local Criminal Rule 44-1, this district has adopted the Plan for Administration of the Criminal Justice Act of 1964, as amended. According to that plan, representation may be provided for defendants to seek relief under 28 U.S.C. § 2255 whenever the court determines that the interests of justice so require. As Hendron would be inherently conflicted in advocating that his own assistance was ineffective, the interests of justice require independent counsel to assist petitioner in pursuing relief under 28 U.S.C. § 2255.

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Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to appoint counsel (ECF No. 53) be, and the same hereby is, GRANTED. Petitioner shall be appointed counsel pursuant to the Criminal Justice Act for the purpose of pursuing relief under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that the United States of America shall file a response to petitioner's motion to vacate, set aside, or correct sentence (ECF No. 52) no later than 21 days from the date petitioner's appointed counsel files a notice of appearance in this matter. Thereafter, petitioner may file a reply within 14 days.

The clerk is instructed to file this order in the instant matter and in the related civil case, no 2:22-cv-01193-JCM.

DATED August 3, 2022.

James C. Mahan
UNITED STATES DISTRICT JUDGE

James C. Mahan
U.S. District Judge